

**MINUTES OF THE CITY OF FONTANA
REGULAR PLANNING COMMISSION MEETING
November 17, 2015
Grover W. Taylor Council Chambers**

CALL TO ORDER/ROLL CALL:

A. 6:00 P.M. Call to Order/Roll Call

A regular meeting of the City of Fontana Planning Commission was held on Tuesday, November 17, 2015, in the Grover W. Taylor Council Chambers, 8353 Sierra Avenue, Fontana, California. Chairperson Cothran called the meeting to order at 6:01 p.m.

Present: Chairperson Cothran, Vice Chairperson Meyer, Commissioner Quiroga, and Commissioner Rowland

Absent: Secretary Garcia

Also Present: Attorney Victor Ponto; Community Development Director James Troyer; Assistant Planner Jon S. Dille; Assistant Planner Rina Leung; Associate Planner Catherine Lin; Associate Planner DiTanyon Johnson; Policing Technician Wendy Ratcliffe; Engineering Keith Toliver; City Clerk Tonia Lewis and Planning Commission Secretary Ysela Aguirre .

INVOCATION/PLEDGE OF ALLEGIANCE:

A. Invocation/Pledge of Allegiance

Following the Invocation given by Vice Chairperson Meyer, the Pledge of Allegiance was led by Commissioner Quiroga.

PUBLIC COMMUNICATIONS:

A. Public Communications

None.

CONSENT CALENDAR:

A. Approval of Minutes

Approve the Regular Planning Commission Meeting Minutes of November 3, 2015.

A motion was made by Commissioner Rowland and seconded by Commissioner Quiroga to approve the Minutes of the November 3, 2015, Planning Commission Meeting. Motion passed by a vote of 4-0.

PUBLIC HEARINGS:

A. Master Case No. 15-029, Conditional Use Permit No. 00-028R1, Modify operating hours of an existing commercial vehicle repair facility. (Continued from August 18, 2015)

Jon S. Dille, Assistant Planner, provided the staff report.

Discussion was held on why staff was recommending denial of the applicant's request. Staff and the applicant have reached an impasse for cleaning up the site and complying with the operating conditions.

Staff is requesting a denial to the modification of operating hours and to require the applicant to return to the original operating hours of 8:00 a.m. to 6:00 p.m.

The Public Hearing was opened.

Discussion was held on the applicant's violation of starting earlier than the approved hours of operation.

Dave Pilarcik, Plant Manager for Agility Fuel Systems spoke on behalf of the applicant.

Discussion was held on the applicant's request to start at 7:00 a.m.

Discussion was held on a 2013 code compliance violation by the applicant.

The applicant spoke on the parking situation being the only item staff and the applicant are at an impasse on.

The applicant spoke on having a new site in North Carolina that will free up outdoor parking space as part of the production will be transferred there.

There is no current Code Enforcement action.

Discussion was held on allowing a 7:00 a.m. start time with the applicant bringing other items into compliance.

Discussion was held on the start time of preparation.

The applicant spoke on preparation time being for paperwork, not machinery.

Commissioner Rowland spoke on not being a fan of applicants who do not comply with CUPs.

The Public Hearing was closed.

ACTION: Motion was made by Vice Chairperson Meyer and seconded by Commissioner Quiroga to not accept staff recommendation but rather approve a start of time to 7:00 with the condition that the applicant will work with the City to meet the remaining conditions that they are not currently in compliance with and the applicant cannot start work until they are in compliance. Motion passed by a vote of 3-1 with Commissioner Rowland opposing.

B. Master Case No. 15-002 - Climate Action Plan - A request to continue item to the December 15, 2015 Planning Commission Meeting. (Continued from October 6, 2015)

ACTION: Motion was made by Vice Chairperson Meyer and seconded by Commissioner Rowland to continue this item to the December 15, 2015 Planning Commission Meeting. Motion passed by a vote of 4-0.

C. Master Case No. 15-059; Tentative Tract Map No. 17161 (TTM No. 15-007) - A request to subdivide a parcel of approximately 1.5 adjusted gross acres into seven (7) lots for the purpose of single family residential development.

Jon S. Dille, Assistant Planner, provided the staff report.

Discussion was held on the driveway approach.

Discussion was held on sewer services.

Discussion was held on the different lot sizes.

Speaking for the applicant, Henry Poquiz, HB Engineering, spoke on the design logic and lot sizes.

Tayseer Mohamad spoke on behalf of the applicant on the previously expired plans; building will begin as soon as plans are approved. The Design Review will have to come back to the Planning Commission for approval.

The Public Hearing was opened.

No member of the public spoke in favor or opposition to this project.

The Public Hearing was closed.

ACTION: Motion was made by Commissioner Rowland and seconded by Commissioner Quiroga to 1) Determine that the project is Categorically Exempt pursuant to Section 15332, (Class No. 32, In-Fill Development Project) of the CEQA Guidelines and direct staff to file a Notice of Exemption; and 2) Approve Tentative Tract Map No. 17161 (TTM No. 15-007). Motion passed by a vote of 4-0.

D. Master Case No. 15-049; Conditional Use Permit No. 15-010 - A request to operate a proposed coffee shop and restaurant in conjunction with a new California Department of Alcoholic Beverage Control (ABC) Type 41 (On-Sale Beer and Wine for Bona Fide Public Eating Place) License.

Rina Leung, Assistant Planner, provided the staff report.

Staff provided a memo at the dais with an added condition to read as follows: "No display or sale of beer or wine shall be made from a drive-thru window."

Discussion was held on Condition No. 7 regarding the gross sales of alcoholic beverages not exceeding 1/3 of total sales.

Policing Technician Wendy Ratcliffe spoke on the 1/3 gross sales being calculated based on total hours of operation and not just on hours of alcohol sales.

Alcohol serving hours are at the applicant's request.

Discussion was held on outdoor amplified music.

Discussion was held on Condition No. 17.

Discussion was held on how many Starbucks are selling alcohol.

Discussion was held on all alcohol being served in glasses and food items will be served on plates.

The Public Hearing was opened.

Spencer Regnery, spoke on behalf of the application regarding the purpose of serving wine and alcohol - to provide an option to drinking coffee; and to provide a casual and comfortable setting. Fontana was chosen because it is a new store and they are looking to grow the number of stores with this model. It is in a commercial center so they will not be a nuisance to residents.

The applicant spoke on all alcohol being consumed on site and they are taking action to be a responsible; a customer could purchase a bottle of wine, but it will be held at the counter.

The applicant spoke on Starbucks' policy that all partners must be over 21 to serve alcohol.

Policing Technician Ratcliffe spoke on the age limit for serving beer and wine.

Applicant is agreeable to change the age of serving alcohol to 21 in Condition No. 11.

Applicant is in alignment with all of the conditions of approval

By consensus, Condition No. 17 was changed to read as follows: "At no time shall the premises operate as a nightclub, offer live entertainment or charge for admission to televised or live events."

Applicant spoke on drinks will be handed directly to the customer to make sure that person is legally able to purchase the alcoholic beverage.

Discussion was held on alcohol only being sold with food.

Discussion was held on the existing fence being approved by ABC.

John Pierce, Store Manager, spoke on behalf of the applicant that the store is doing great and growing very fast.

Discussion was held on how the applicant will deal with the incompatibility of minors doing homework in the store and the alcohol being served.

Discussion was held on the operation in the store changing to "Table Touching" to enhance the customers' experience.

The Public Hearing was closed.

ACTION: Motion was made by Vice Chairperson Meyer and seconded by Commissioner Quiroga to 1) Determine that the project is Categorically Exempt pursuant to Section No. 15301, (Class No. 1, Existing Facility) of the CEQA Guidelines, and direct staff to file a Notice of Exemption; and 2) Approve Conditional Use Permit No. 15-010 subject to the attached findings and conditions of approval with added Condition No. 3A regarding display signs; a change of the age from 18 to 21 on Condition No. 11; and modify Condition No. 12 the establishment shall serve beer and wine only between the hours of 4:00 p.m. to 11:00 p.m. and a language change to Condition No. 17. Motion passed by a vote of 4-0.

E. Master Case No. 15-079; Conditional Use Permit No. 15-032 - A request to operate a proposed restaurant in conjunction with a new California Department of Alcoholic Beverage Control (ABC) Type 41 (On-Sale Beer and Wine for Bona Fide Public Earing Place) License.

DiTanyon Johnson, Associate Planner, provided the staff report.

Staff has not received any communication in favor or opposition to this project.

The Public Hearing was opened.

Tim Nguyen, spoke on behalf of the applicant regarding access to the restroom.

Discussion was held on no alcohol being permitted outside because there are no barriers in the patio area.

Applicant stated that no alcohol will be served outside

Discussion was held on the concern with the restroom location.

Discussion was held on the location of the dumpsters.

The applicant spoke on staff providing a key for patrons to use the restroom.

The applicant spoke on being ready to open once ABC gives final approval.

The Applicant has read and agreed to the conditions of approval.

The Public Hearing was closed.

ACTION: Motion was made by Commissioner Rowland and seconded by Commissioner Quiroga to 1) Determine that the project is Categorically Exempt pursuant to Section No. 15301, (Class No. 1, Existing Facility) of the CEQA Guidelines, and direct staff to file a Notice of Exemption; and 2) Approve Conditional Use Permit No. 15-032 subject to the attached findings and conditions of approval with the addition of a condition regarding the safety and security of the back doors. Motion passed by a vote of 4-0.

DIRECTOR COMMUNICATIONS:

A. Director Communications:

Planning Commission reviewed an update of future City Council Agenda items for the November 24, 2015 and December 8, 2015, meetings for the Planning Commission's information; and an update of future Planning Commission items for the December 1, 2015, and December 15, 2015, meetings for the Planning Commission's information.

Staff will return with a Risk Management Plan staff report on December 1, 2015.

COMMISSION COMMENTS:

A. Planning Commission Remarks

Commissioner Rowland wished everyone a happy Thanksgiving.

Vice Chairperson Meyer wished his mother a happy anniversary on what would have been his parents' 63 years anniversary.

Vice Chairperson Meyer congratulated Phillip Cothran Jr. on his upcoming matrimony.

Vice Chairperson Meyer announced that Sacred Heart Church will have a Thanksgiving dinner from 11:00 a.m. to 6:00 p.m. provided by volunteers.

Vice Chairperson Meyer wished everyone a good Thanksgiving.

Commissioner Quiroga shared that on Saturday, he celebrated his sisters' birthday at a surprise birthday party. She was super excited and everyone was emotional. She deserves it as she is a great person.

Commissioner Quiroga wished Anna a belated happy birthday.

Commissioner Quiroga wished his brother-in-law a happy birthday.

Commissioner Quiroga thanked his wife and kids for being at the meeting.

Commissioner Quiroga thanked his sister and niece for showing up and getting involved in the community.

Commissioner Quiroga shouted out his students for being the best.

Commissioner Quiroga wished everyone a happy Thanksgiving.

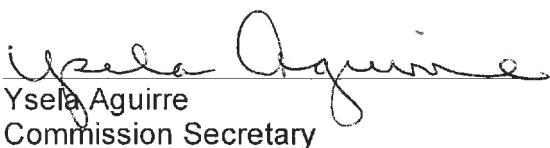
Vice Chairperson Meyer reminded the community to help shape Fontana's future by attending the upcoming neighborhood open houses.

Chairperson Cothran announced that his son, Phillip Jr. and Nisha will be married on Saturday; this is the family's 4th wedding in 14 months. He wished them well and he feels blessed to have a wonderful family.

Chairperson Cothran congratulated the Water of Life Church on their auditorium grand opening. The church is a great blessing to the community. Chairperson Cothran is thankful and loves our community. He was born here and lived here all of his life. The people in our town are extremely kind and we have lots of places available to take care of those that are in need during the holiday season.

ADJOURNMENT:

By consensus, the Planning Commission adjourned at 7:40 p.m. in honor of those affected by the attacks in Paris, France to a Joint Workshop with the City Council on November 24, 2015, at 5:30 p.m. then to the Regular Planning Commission Meeting on Tuesday, December 1, 2015, at 6:00 p.m. in the Steelworkers' Auditorium located adjacent to the Fontana Public Library.


Ysela Aguirre
Commission Secretary

THE FOREGOING MINUTES WERE APPROVED BY THE PLANNING COMMISSION ON THE 1st DAY OF DECEMBER, 2015.



Phil Cothran
Chairperson